

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**ARNOLDO GARZA AND
FRANCISCA GARZA**

VS.

**JOSE E. MANZANARES AND
LIBERTY FREIGHT COMPANY, INC.**

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CIVIL ACTION NO. _____

JURY TRIAL REQUESTED

**DEFENDANTS, JOSE E. MANZANARES AND
LIBERTY FREIGHT COMPANY, INC.'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants, JOSE E. MANZANARES and LIBERTY FREIGHT COMPANY, INC., file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

INTRODUCTION

1. Plaintiffs, ARNOLDO GARZA and FRANCISCA GARZA, filed Plaintiffs' Original Petition against Defendants on April 17, 2015, under Cause No. 15-CV-0378, pending in the 10th Judicial District Court, Galveston County, Texas. Citations upon the Defendants were issued on April 17, 2015.

2. Defendant, JOSE E. MANZANARES was served with Plaintiffs' Original Petition by certified mail, return receipt requested, on or about April 30, 2015.

3. Defendant, LIBERTY FREIGHT COMPANY, INC. was served with Plaintiffs' Original Petition by certified mail, return receipt requested, on or about April 20, 2015.

4. This original Notice of Removal is filed within thirty days of service upon Defendants, the statutory period for removal as required under 28 U.S.C. §1446(b).

JURISDICTION

5. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§1441 and 1446, and based upon diversity of citizenship under 28 U.S.C. §1332. At the time this action was commenced, Plaintiffs ARNOLDO GARZA and FRANCISCA GARZA were, and still are, domiciled in Texas and are citizens of that state. Defendant LIBERTY FREIGHT COMPANY, INC. was at the time this action was commenced, and still is, a citizen of California. Defendant LIBERTY FREIGHT COMPANY, INC. is incorporated in the State of California with its principal place of business in California, and is therefore a citizen of that state. At the time the action was commenced, Defendant JOSE E. MANZANARES was, and still is, a citizen of California. Defendant JOSE E. MANZANARES is domiciled in the State of California and is a citizen of that state.

6. Consistent with TEX. R. CIV. P. 47, Plaintiffs seek monetary relief for more than \$75,000.00 in damages in their Original Petition. Plaintiff ARNOLDO GARZA alleges the following elements of damages: past and future pain and suffering and mental anguish; past and future physical disfigurement and impairment; past and future reasonable and necessary medical expenses; past lost wages, and diminution of future earning capacity. Plaintiff FRANCISCA GARZA alleges the following elements of damages: past and future pain and suffering and mental anguish; past and future physical disfigurement and impairment; past and future reasonable and necessary medical expenses; past lost wages, and diminution of future earning capacity. Therefore, based on information and belief of Defendants herein, Plaintiffs are seeking damages in excess of this court's jurisdictional minimum of \$75,000.00, excluding interest and costs.

7. All pleadings, process, orders, and other filings in the state court action in the possession of Defendants are attached to this notice as required by 28 U.S.C. §1446(a).

8. Venue is proper in this division under 28 U.S.C. §1441(a) because this district and division embrace the place in which the removed action has been pending.

9. Defendants will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

JURY DEMAND

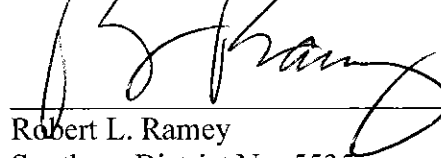
10. Defendants hereby make a demand for a jury trial.

CONCLUSION

For these reasons, JOSE E. MANZANARES and LIBERTY FREIGHT COMPANY, INC., therefore give notice of their removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.



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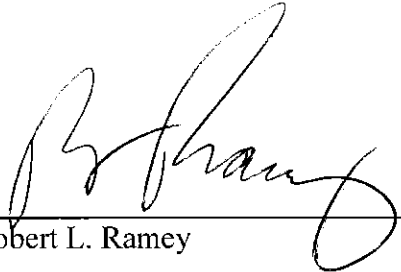
**ATTORNEYS FOR DEFENDANTS,
JOSE E. MANZANARES and LIBERTY
FREIGHT COMPANY, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Defendants' Notice of Removal* has been served upon all counsel of record, in accordance with the rules on this 19 day of May, 2015, as follows:

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